

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
)
JOHN BENJAMIN THORNTON,)
)
Defendant.)

Cr. Case No. 21-mj-00713-GBW

**UNITED STATES' MOTION FOR COMPETENCY HEARING
AND PSYCHOLOGICAL/PSYCHIATRIC EVALUATION**

The United States hereby moves the Court for a hearing to determine the mental competency of Defendant John Benjamin Thornton pursuant to 18 U.S.C. § 4241(a). The United States further moves the Court, pursuant to 18 U.S.C. § 4241(b) and (c) as well as FED. R. CRIM. P. 12.2(c)(1)(A) to order that Defendant undergo a psychiatric and/or psychological examination to assist with the hearing. Defendant opposes this motion.

BACKGROUND

Thornton has been charged with making threats via text message to his ex-wife and a family member, in violation of 18 U.S.C. § 875(c). Doc. 1. The complaint alleges that on May 18, 2021, Thornton sent a series of text messages to various individuals where he threatened, *inter alia*, to execute them. *Id.* In one of the text messages sent to his ex-wife, Thornton states “I’m killing them for Superconductive Quantum Tunneling into the Brainwaves of Methamphetamine users, globally. mk ultra, b it’s Methamphetamine Kinetics Superconducted.” *Id.* Additionally, when Defendant was arrested, he was interviewed by FBI agents. During that interview Thornton stated that he was previously employed as a Biomedical Equipment Technician with the Department of Defense. He went on to explain that his purpose is to expose

MK ULTRA which is led by James R. Bath, with whom he had a personal relationship. Thornton claims on February 14, 2016, he was with Bath and others in which Mr. Bath provided information to Thornton regarding MK ULTRA which is a company run out of Canada by the name of D-Wave. Thornton further claimed this is a terrorist organization which utilizes methamphetamine users by tunneling into the brainwaves using a squid dilution system (SQUID) and creating a psychosis in which a person can be manipulated.

LEGAL STANDARD

Under 18 U.S.C. § 4241, a defendant or the government may file a motion for a competency hearing at any time after the beginning of prosecutorial proceedings, but before sentencing. *See* 18 U.S.C. § 4241(a). Once such a motion has been filed, the court shall grant the motion if there is reasonable cause to believe that the defendant may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense. 18 U.S.C. § 4241(a). To assist the Court at the hearing, the Court may order that a psychiatric or psychological evaluation of the defendant be conducted and that a report be filed with the court before the hearing. *See* 18 U.S.C. § 4241(b); *see also* FED. R. CRIM. P. 12.2(c)(1)(A).

ARGUMENT

Here, the United States has concerns about Defendant's competency because he has exuded erratic behavior and discussed certain topics consistent with someone suffering from a mental illness. Specifically, his discussion of a terrorist organization which utilizes methamphetamine users by tunneling into the brainwaves using a squid dilution system (SQUID) and creating a psychosis in which a person can be manipulated, leads the United States to believe

Defendant may be suffering from a mental illness that may affect his ability to comprehend the ongoing legal proceedings against him. Additionally, undersigned counsel recalls at least two times in preliminary proceedings in front of both Judge Wormuth and Judge Garza when Defendant spoke out of turn and each judge had to instruct Defendant not to talk over people. Accordingly, in an abundance of caution, the United States requests the Court hold a competency hearing in this matter. The United States also requests that the Court order that a local psychiatric or psychological evaluation of Defendant be conducted and that a report be filed with the Court before the hearing.

CONCLUSION

Because the United States has concerns about Defendant's mental health and competency, the Court should hold a competency hearing and order a local psychiatric or psychological evaluation of Defendant prior to the hearing.

Respectfully submitted,

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I HEREBY CERTIFY that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send electronic notification to defense counsel of record on this date.

Electronically Filed 06/15/2021
MARISA A. ONG
Assistant U.S. Attorney

